

REMARKS

Claims 1-22, 40-49, 51, 53, and 55 were pending. By this Amendment, claims 1, 3, 5, 7, 9, 10, 12, 14, 16, 18, 19, and 20 are amended, and new claims 56 and 57 are added. Reconsideration and allowance of pending claims 1-22, 40-49, 51, 53, and 55-57 in view of the above amendments and following remarks are respectfully requested.

Applicants appreciate the Examiner's indication, as confirmed via a voice message from Examiner Nguyen to the undersigned on May 30, 2007, that claims 3, 4, 7, 8, 10, 12, 13, 16-22, 40, 41, and 51 would be allowable if rewritten in independent form. Accordingly, Applicants have amended dependent claims 3, 4, 7, 10, 12, 16, 18, 19, and 20 to be in independent form. Applicants therefore request allowance of these claims, as well as their respective dependent claims 8, 13, 17, 21, 22, 40, and 41.

Applicants appreciate the Examiner's allowance of claims 42-49.

Claims 1, 2, 5, 6, 9, 11, 14, 15, 53, and 55 were rejected under 35 U.S.C. § 102 as being anticipated by LaBounty et al. (U.S. Patent No. 6,926,217). Applicants respectfully traverse this rejection as applied to amended claims 1, 5, and 14. Amended claims 1, 5, and 14 each recite, among other things, that "rotation of the wear plate/piercing tip insert between the first and second positions swaps the shearing edges of the two metal tip portions between operative and non-operative positions." In contrast, the shearing edges of both tip portions of the wear plate in LaBounty remain in operative positions regardless of the rotational position of the insert.

Applicants appreciate the courtesy that the Examiner extended in granting an interview with Applicants' attorney, Jack Barufka, on May 4, 2007. During that interview, the Examiner agreed that in LaBounty's shears, both piercing tips are in a working/operative position while in one or more embodiments of the Applicants' shears, one tip is in a working/operative position and the other tip is in a non-working/non-operative position. LaBounty does not anticipate or render obvious the combination of recitations in amended claims 1, 5, or 14 for at least this reason. Applicants therefore respectfully request the withdrawal of the anticipation rejection of claims 1, 5, and 14, as well as their respective dependent claims, which are allowable at least because they depend from allowable independent claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is requested.

If the Examiner has any questions or suggestions that will further prosecution of this application, the Examiner is encouraged to contact the undersigned at the below-listed telephone number.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975 under our Order No. 081776-0306363. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP



BENJAMIN L. KIERSZ
Reg. No. 51875
Tel. No. 703.770.7714
Fax No. 703 770.7901

Date: May 30, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900